

REMARKS

Reconsideration of the above-identified application in view of the preceding amendments and following remarks is respectfully requested.

Claims 1-12, and 25-32 remain in this application. Claims 16 and 33 have been cancelled without prejudice. Claims 13-15 and 17-24 have been withdrawn from consideration. Claims 1, 25 and 32 have been amended herein to more particularly point out and define the patentable features of the subject invention. No new matter has been added by the amendments as support therefore is found through the specification and drawings of the subject application.

In the Office Action, Claims 16 and 33 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. These claims have been cancelled without prejudice, thus obviating the rejection, and withdrawal thereof is respectfully requested.

Claims 1-3, 4, 6, 8-12, 16, 25, 26 and 28-33 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,572,333 to Hubert.

Hubert discloses an obturator 10 that includes an elongated flexible stem 12 joined to a hub 20, and a catheter 15 formed by a tube 16. "The stem 12 is designed to enter the bore of the tube 16 and occupy **substantially** the full diameter thereof to occlude the catheter. As shown in Fig. 2, the stem 12 is in the form of a cylindrical rod having an enlarged head 13 formed at one end and a **rounded nose 14** at the opposite end." (Col. 2, lns. 44-61)(emphasis added). Those skilled in the art will readily appreciate that the rounded nose 14 prevents the total occupation and complete occlusion of the tube 16 at the distal end portion of the catheter 15.

In contrast, the subject invention as defined by amended Claims 1 and 25, includes, among other things, a vascular access port formed by an elongated tubular body

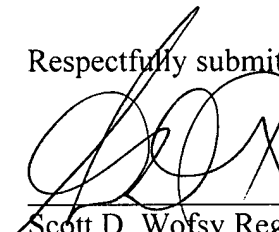
having a flat annular distal end surface, and an elongated cylindrical plug body dimensioned and configured for insertion into the central lumen of the vascular access port and having a flat circular distal end surface. When the plug body is within the access port the flat annular distal end surface of the access port is coplanar with the flat circular distal end surface of the plug body. Consequently, the access port is completely occluded and occupied by the plug body. Hubert does not disclose or suggest such a structural arrangement. Accordingly, Claims 1 and 25, and each of the claims depending therefrom are directed to patentable subject matter, and withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

Also in the Office Action, Claims 4, 7 and 27 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 3,572,333 to Hubert.

The Examiner has indicated that it would have been a matter of design choice for Hubert to make his plug body, handle portion and locking mechanism monolithically. To the contrary, Hubert's invention is specifically directed to a plug body 10 made from two separate pieces (stem 12 and hub 20) that are assembled together in a unique manner, as shown in Figs. 4 and 5. Hubert therefore, teaches away from a monolithic construction and Claims 4, 7 and 27 of the subject invention could not be rendered obvious thereby. Moreover, Claims 4, 7 and 27 depend from Claims 1 and 25, which have been amended to distinguish over Hubert. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

If after reviewing this amendment, the Examiner believes that a telephone or personal interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth hereinbelow.

Respectfully submitted,



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